

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RUSSEL H. DAWSON, Personal  
Representative of the Estate of Damaris  
Rodriguez, et al.,

Plaintiffs,

v.

SOUTH CORRECTIONAL ENTITY  
("SCORE"), a Governmental Administrative  
Agency, et al.,

Defendants.

CASE NO. C19-1987RSM

ORDER DENYING STIPULATED  
MOTION TO CONTINUE TRIAL

This matter comes before the Court on the parties' Stipulation and Proposed Order Resetting Trial and Associated Filing Dates. Dkt. #198. The parties request a three-month continuance of the trial date, from November 29, 2021, to February 22, 2022. *Id.* The stipulation does not include any reason for this request. An earlier email from counsel to the Court's in-court deputy clerk inquired about dates in February and mentioned the parties' need for rulings on pending motions to help prepare for trial.

A scheduling order "may be modified only for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). The decision to modify a scheduling order is within the broad discretion of the district court. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607 (9th

1 Cir. 1992). “Rule 16(b)’s ‘good cause’ standard primarily considers the diligence of the party  
2 seeking amendment.” *Id.* at 609. If a party has acted diligently yet still cannot reasonably meet  
3 the scheduling deadlines, the court may allow modification of the schedule. *Id.* Local Civil Rule  
4 16(m) states that “this rule will be strictly enforced” in order to “accomplish effective pretrial  
5 procedures and avoid wasting the time of the parties, counsel, and the court.”

6 The Court finds that the parties have failed to demonstrate good cause for their request.  
7 Good cause must be included in the Motion and cannot be communicated solely via email.  
8 Accordingly, the Court will deny this Motion and encourages parties to re-file.

9 Having reviewed the relevant briefing and the remainder of the record, the Court hereby  
10 finds and ORDERS that the parties’ Stipulation and Proposed Order Resetting Trial and  
11 Associated Filing Dates, Dkt. #198, is DENIED.

12 DATED this 21<sup>st</sup> day of September, 2021.

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15 RICARDO S. MARTINEZ  
16 CHIEF UNITED STATES DISTRICT JUDGE  
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